

sen's Laboratories). Plea of guilty. Fine of \$1,000, plus costs. (F. D. C. No. 28137. Sample Nos. 64120-K to 64123-K, incl.)

INDICTMENT RETURNED: March 29, 1950, Northern District of Iowa, against Dr. Aage P. Jespersen, trading as Dr. Jespersen's Laboratories, Spencer, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of May 5 and 31, 1949, from the State of Iowa into the State of Minnesota.

LABEL, IN PART: "Dr. Jespersen's Fowlton Concentrate Manganese Iron Iodine Supplement for the Drinking Water for All Poultry," "Dr. Jespersen's D. R. D. Concentrate \* \* \* Active Ingredients: Mercuric Chloride (16.4 grs. fl. oz.)," "Dr. Jespersen's Flushem Laxative For Poultry Contains—Active Ingredients, Magnesium Sulphate (Epsom Salts), Sodium Sulphate, Sodium Bicarbonate, 95%. Inert as a laxative—Sodium Thiosulphate and Gentian Violet 5%," "Dr. Jespersen's Gets-em Poultry Wormer \* \* \* Contents: Arecoline Hydrobromide, Iron Chloride Solution, Solution Nicotine Sulphate, Copper Sulphate (22.5 grains per oz.) and Manganese Sulphate."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the articles, including the accompanying labeling consisting of an invoice headed "Dr. Jespersen's Laboratories Poultry Health Aids" and booklets entitled "Dr. Jespersen's Poultry Guide," were false and misleading since the articles would not be effective for the purposes, and would not fulfill the promises of benefit, stated and implied. The labeling of the articles represented and suggested that the articles would be effective to prevent losses of poultry, to insure better health of poultry, and to increase profits from poultry raising; that *Dr. Jespersen's Fowlton Concentrate* would be efficacious as a tonic and would be effective in the prevention and treatment of fowl cholera, fowl typhoid, blackhead of turkeys and chickens, and mycosis (mold poisoning); that *Dr. Jespersen's D. R. D. Concentrate* would be efficacious in the prevention and treatment of coccidiosis of chicks, white diarrhea, colds, and diphtheritic roup (pox); that *Dr. Jespersen's Flushem* would be efficacious for flushing poultry and in the prevention and treatment of mycosis; and that *Dr. Jespersen's Gets-em Poultry Wormer* would be effective to insure the growth and vitality of poultry, to increase egg production, to conserve feed, to promote resistance of birds to disease, and to act as a deterrent to the spread of disease in a flock; and that it would be efficacious in the prevention and treatment of worm infestation and paralysis.

DISPOSITION: April 12, 1950. A plea of guilty having been entered, the court imposed a fine of \$1,000, plus costs.

3100. Misbranding of Arnold Swerm Powder. U. S. v. 60 Bottles \* \* \*.  
(F. D. C. No. 28721. Sample No. 63921-K.)

LABEL FILED: February 14, 1950, Middle District of Georgia.

ALLEGED SHIPMENT: On or about October 14 and 25, 1949, by Arnold Laboratories, from New Castle, Ind.

PRODUCT: 60 1-pound bottles of Arnold Swerm Powder at Albany, Ga.

LABEL, IN PART: "Arnold Swerm Powder Each Ounce Contains: Calomel, a mercury derivative . . . 4.3 grains Arsenic Trioxide (1% of total) . . . 4.3 grains Areca Nut, Copper Sulfate, Sodium Chloride, Tobacco, Iron Sulfate, Magnesium Sulfate."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Partially effective for the removal of large round worms (Ascarids) from

"swine" was false and misleading since the article was not effective for the purpose stated.

DISPOSITION: April 12, 1950. Default decree of condemnation and destruction.

# INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3081 TO 3100

## PRODUCTS

	N. J. No.		N. J. No.
Acme Electric Machine-----	3097	Mineral oil-----	3095
Adlerika-----	3092	No. 5 Special Tablets and vending machines-----	3096
Amytal, sodium, capsules-----	3083	Paramycin Tablets-----	3081
Arnold Swerm Powder-----	3100	Parr's Golden-Ray Oil and Parr's Inhalers-----	3086
Bandage, Sterilastic Dressing-----	3090	Pentobarbital sodium capsules-----	3084, 3085
Benzedrine Sulfate Tablets-----	3082	Phenobarbital tablets-----	3085
Camphorated oil-----	3094	Prophylactics-----	3091
D. R. D. Concentrate, Dr. Jespersen's-----	3099	Reducing, device for-----	3098
Devices----- 3086, 3091, 3096	3098	Seconal sodium capsules----- 3083	3085
Electric Machine, Acme-----	3097	Silhouette Suits, Hollywood-----	3098
Estrogenic substance-----	3088	Sodium amytal capsules-----	3083
Flushem, Dr. Jespersen's-----	3099	Special Tablets, No. 5-----	3096
Fowlton Concentrate, Dr. Jespersen's-----	3099	Sterilastic Dressing Bandage-----	3090
Geo-Mineral-----	3087	Sulfadiazine tablets-----	3085
Gets-em Poultry Wormer, Dr. Jespersen's-----	3099	Suprarenin (epinephrine) tablets-----	3089
Golden-Ray Oil, Parr's-----	3086	Swerm Powder, Arnold-----	3100
Hollywood Silhouette Suits-----	3098	Thyroid tablets----- 3084,	3085
Inhalers, Parr's-----	3086	Tuinal Capsules-----	3082
Jespersen's, Dr., Fowlton Concentrate, Dr. Jespersen's D. R. D. Concentrate, Dr. Jespersen's Flushem, and Dr. Jespersen's Gets-em Poultry Wormer-----	3099	V. M. Tablets-----	3093
Metandren Linguets-----	3084	Vending machines and No. 5 Special Tablets-----	3096
		Veterinary preparations----- 3099,	3100
		Worm remedies, veterinary----- 3099,	3100

## SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adlerika Co.:		Eagle Drug Co.:	
Adlerika-----	3092	Tuinal Capsules and Benzedrine Sulfate Tablets-----	3082
Anstess & Fay:		Estro Chemical Co., Inc.:	
vending machines and No. 5 Special Tablets-----	3096	estrogenic substance-----	3088
Arnold Laboratories:		Gadzinski, J. V.:	
Arnold Swerm Powder-----	3100	seconal sodium capsules and sodium amytal capsules-----	3083
Cel-Ton-Se Medicine Co.:		Golder, Jack:	
Parr's Golden-Ray Oil and Parr's Inhalers-----	3086	seconal sodium capsules, thyroid tablets, pentobarbital sodium capsules, and Metandren Linguets-----	3084
Donaldson, L. S., Co.:			
mineral oil-----	3095		

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

W.V.

E.R.S.

F.D.C.

D.M.T.

P.E.S.

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3101-3120

3101 ✓

### DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., September 13, 1950.

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\*For presence of a habit-forming narcotic without warning statement, see No. 3103; omission of, or unsatisfactory, ingredients statements, Nos. 3101, 3113, 3117; failure to comply with the packaging requirements of an official compendium, No. 3113; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3101, 3113; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3101, 3102, 3105.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS\***

✓ **3101. Misbranding of amphetamine hydrochloride tablets. U. S. v. David Avila (West Side Drug Store). Plea of guilty. Fine of \$250, plus costs. (F. D. C. No. 28132. Sample No. 49091-K.)**

**INFORMATION FILED:** March 23, 1950, District of New Mexico, against David Avila, trading as the West Side Drug Store, Albuquerque, N. Mex.

**INTERSTATE SHIPMENT:** On or about August 9, 1949, from the State of Alabama into the State of New Mexico.

**ALLEGED VIOLATION:** On or about August 29, 1949, while the drug was being held for sale after shipment in interstate commerce, the defendant caused a number of tablets of the drug to be removed from the bottle in which they had been shipped, to be repacked into a box, and to be sold without a prescription, which acts of the defendant resulted in the repackaged tablets being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502(b)(1), the repackaged tablets bore no label containing the name and place of business of the manufacturer, packer, or distributor; Section 502(b)(2), the repackaged tablets bore no label containing an accurate statement of the quantity of the contents; Section 502(e)(1), the repackaged tablets failed to bear a label containing the common or usual name of the drug, namely, "amphetamine hydrochloride"; Section 502(f)(1), the repackaged tablets bore no label containing adequate directions for use; and, Section 502(f)(2), the repackaged tablets bore no labeling containing warnings against use in those pathological conditions, and by children where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

**DISPOSITION:** April 18, 1950. A plea of guilty having been entered, the court imposed a fine of \$250, plus costs.

**3102. Misbranding of Desoxyn Hydrochloride Tablets. U. S. v. James V. Thompson (Thompson's Drug Store). Plea of guilty. Fine of \$300 and costs. (F. D. C. No. 26743. Sample Nos. 37288-K, 37291-K.)**

**INFORMATION FILED:** November 17, 1949, Western District of Washington, against James V. Thompson, trading as Thompson's Drug Store, at Lynden, Wash.

**INTERSTATE SHIPMENT:** Between the approximate dates of May 28 and August 5, 1948, from North Chicago, Ill.

**PRODUCT:** The product had been made for use exclusively by or on the prescription of a physician, and the label bore the statement "Caution: To be dispensed only by or on the prescription of a physician." As a result, the product was not required to comply with Section 502(f)(1), which requires that adequate directions for use appear in the labeling.

**LABEL, WHEN SHIPPED:** "Tablets Desoxyn Hydrochloride 2.5 mg."

**ALLEGED VIOLATION:** On or about September 10, 1948, while a number of tablets of the article were being held for sale after shipment in interstate commerce, the defendant caused them to be sold and disposed of to a purchaser in the original bottle in which the article had been shipped in interstate commerce, without a physician's prescription. The sale of the article by the defendant caused the exemption to expire and resulted in the misbranding of the article

\*See also No. 3119 (veterinary preparations).